



CASE NO. 151802401010
INCIDENT NO./TRN: 917204683XA001

PS
P.8

THE STATE OF TEXAS

v.

AGUILAR, CARLOS

STATE ID NO.: TX16343841

§ IN THE 209TH DISTRICT
§
§ COURT
§
§ HARRIS COUNTY, TEXAS
§
§

JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding: **HON. MICHAEL T. MCSPADDEN** Date Judgment Entered: **12/15/2016**
Attorney for State: **R.MCLEAREN** Attorney for Defendant: **HERMAN MARTINEZ**

Offense for which Defendant Convicted:

DRIVING WHILE INTOXICATED (\$40416)

Charging Instrument:

INDICTMENT

Statute for Offense:

N/A Penal Code

Date of Offense:

07/25/2016

Degree of Offense:

CLASS B MISDEMEANOR

Plea to Offense:

GUILTY

Findings on Deadly Weapon:

N/A

Terms of Plea Bargain:

180 DAYS HCJ PROBATED 18 MONTHS W/\$500 FINE REDUCED FROM STATE JAIL FELONY

Plea to 1st Enhancement Paragraph:

N/A

Plea to 2nd Enhancement/Habitual Paragraph:

N/A

Findings on 1st Enhancement

Paragraph:

N/A

Findings on 2nd Enhancement/Habitual

Paragraph:

N/A

Date Sentence Imposed:

12/15/2016

Date Sentence to Commence:

N/A

Punishment and Place of
Confinement:

180 DAYS COUNTY JAIL

THIS SENTENCE SHALL RUN CONCURRENTLY.

☒ SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR 18 MONTHS.

Fine:

\$ 500

Court Costs:

\$ As assessed

Restitution:

\$ N/A

Restitution Payable to:

☐ VICTIM (see below) ☐ AGENCY/AGENT (see below)

Sex Offender Registration Requirements do not apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62

The age of the victim at the time of the offense was **N/A**

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

From _____ to _____

From _____ to _____

From _____ to _____

From _____ to _____

Time Credited:

From _____ to _____

From _____ to _____

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

N/A DAYS NOTES: **N/A**

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in **Harris County, Texas**. The State appeared by her District Attorney.

Counsel / Waiver of Counsel (select one)

☒ Defendant appeared in person with Counsel.

☐ Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above. The Court then admonished Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court found Defendant guilty of the offense indicated above. In the presence of Defendant, the Court pronounced sentence against Defendant.

IMAGED
RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging

The Court FINDS Defendant committed the above offense and **ORDERS, ADJUDGES AND DECREES** that Defendant is **GUILTY** of the above offense. The Court FINDS the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court **ORDERS** Defendant punished as indicated above. The Court **ORDERS** Defendant to pay all fines, court costs, and restitution as indicated above.

Punishment Options (select one)

☐ **Confinement in State Jail or Institutional Division.** The Court **ORDERS** the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the **Director, State Jail Division, TDCJ**. The Court **ORDERS** Defendant to be confined for the period and in the manner indicated above. The Court **ORDERS** Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court **ORDERS** that upon release from confinement, Defendant proceed immediately to the **Harris County District Clerk's office**. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☒ **County Jail—Confinement / Confinement in Lieu of Payment.** The Court **ORDERS** Defendant immediately committed to the custody of the **Sheriff of Harris County, Texas** on the date the sentence is to commence. Defendant shall be confined in the **Harris County Jail** for the period indicated above. The Court **ORDERS** that upon release from confinement, Defendant shall proceed immediately to the **Harris County District Clerk's office**. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **Fine Only Payment.** The punishment assessed against Defendant is for a **FINE ONLY**. The Court **ORDERS** Defendant to proceed immediately to the **Office of the Harris County**. Once there, the Court **ORDERS** Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

Execution / Suspension of Sentence (select one)

☐ The Court **ORDERS** Defendant's sentence **EXECUTED**.

☒ The Court **ORDERS** Defendant's sentence of confinement **SUSPENDED**. The Court **ORDERS** Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.

The Court **ORDERS** that Defendant is given credit noted above on this sentence for the time spent incarcerated.

The Court **ORDERS** that Defendant is given credit noted above on this sentence for the time spent incarcerated. The Court further **ORDERS** that if the defendant is convicted of two or more offenses in a single criminal action, that each cost or fee amount must be assessed using the highest category of offense. Tex. Code Crim. P. art. 102.073.

Furthermore, the following special findings or orders apply:

APPEAL WAIVED. NO PERMISSION TO APPEAL GRANTED.

TOXICOLOGICAL EVIDENCE IN THIS CASE MUST BE RETAINED AND PRESERVED PURSUANT TO TEXAS CODE OF CRIMINAL PROCEDURE ART. 38.50.

PLEA/VERDICT WITH COMMUNITY SUPERVISION – FOR THE DURATION OF THE DEFENDANT'S TERM OF COMMUNITY SUPERVISION.

DL # suspended 1 year. (K)

Signed and entered on 12/15/2016

X 

FOR JUDGE PRESIDING MICHAEL T. MCSADDEN

Notice of Appeal Filed: _____

Mandate Received: _____ Type of Mandate: _____

After Mandate Received, Sentence to Begin Date is: _____

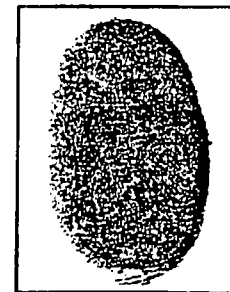
Jail-Credit: _____

Def. Received on _____ at _____ AM / PM

By: _____, Deputy Sheriff of Harris County

Clerk: T WILLIAMS

FIN (CAS 20.10): _____ EN/KR04: *04/999* LCBT: *1 tw* LCBU: *✓* EN/KR18: _____



Right Thumbprint

13/998
12/997

CONDITIONS OF COMMUNITY SUPERVISION

THE STATE OF TEXAS
VS.
CARLOS AGUILAR

IN THE 209th DISTRICT COURT OF
HARRIS COUNTY, TEXAS
CAUSE NUMBER 151802401010

On this the 15th day of December, 2016, you are granted 180 Days in the Harris County Jail probated 18 Months community supervision for the felony reduced to misdemeanor offense of DRIVING WHILE INTOXICATED in accordance with section 3 of Article 42.12, Texas Code of Criminal Procedure, in the 209th District Court of Harris County, Texas, by the Honorable MICHAEL T. MCSPADDEN Judge Presiding. It is the order of this Court that you abide by the following Conditions of Community Supervision:

- (1) Commit no offense against the laws of this or any other State or of the United States. You are to report any arrests within 24 hours.
- (2) Not use, possess, or consume any illegal drug or prescription drug not currently prescribed to you by a medical professional. You shall bring all current prescription bottles to your Community Supervision Officer. If new medication is prescribed, you must bring the new prescription bottle by your next scheduled report date.
- (3) Report to the Community Supervision Officer as directed for the remainder of the supervision term unless so ordered differently by the Court.
- (4) Permit a Community Supervision Officer to visit you at your home, place of employment or elsewhere.
- (5) Work at suitable employment and/or attend school full- time. Present either verification of employment or provide a log of all attempts to secure employment to your Community Supervision Officer as directed. You must notify HCCSCD of any change in your employment status by your next scheduled reporting date.
- (6) Abide by the rules and regulations of the Harris County Community Supervision and Corrections Department (hereinafter referred to as HCCSCD).
- (7) Remain within Harris County, Texas or any counties directly touching Harris County, Texas. You may not travel outside these locations unless you receive prior written permission from the Court through your Community Supervision Officer.
- (8) Notify HCCSCD by your next report date of any change in residence.
- (9) Submit a non- diluted, valid, unaltered sample for the purpose of alcohol/drug monitoring at the request of the HCCSCD.
- (10) Participate in the HCCSCD Community Service Restitution Program (CSRP). You shall perform 120 hours as directed by HCCSCD CSRP policy. Hours must be completed 60 days prior to termination.
- (11) Submit to a screening and/or assessment through HCCSCD Assessment Unit by 01/09/2017.
- (12) Submit to an evaluation of your educational skill level by 01/15/2017. If it is determined that you have not attained the average skill of students who have completed the sixth grade in public schools in this State, you shall participate in a program that teaches functionally illiterate persons to read. If you are non- English speaking, you will participate in English as a Second Language (ESL) program, if it is determined there is a need in order for you to meet the state mandate beginning upon referral until successfully discharged or released by further order of the Court.
- (13) Support your dependents as required by law. Provide your Community Supervision Officer with a certified copy of all court orders requiring payment of child support.
- (14) Not ship, transport, possess, receive, or purchase a firearm, altered firearm, or ammunition, or attempt to ship, transport, possess, receive, or purchase a firearm, altered firearm, or ammunition.
- (15) Pay the following fees through HCCSCD. All payments MUST be in the form of a Money Order, Cashier's Check or credit card. Credit card can be used to submit online payments at <http://www.go2gov.net/go/hccscd>. A \$ 2.00 transaction fee will be charged by HCCSCD to process each payment.

CONDITIONS OF COMMUNITY SUPERVISION

For: CARLOS AGUILAR

Cause: 151802401010

- 15.1 Pay a Supervision Fee at the rate of \$ 60.00 per month for the duration of your community supervision beginning 03/15/2017 to HCCSCD.
 - 15.2 Pay a \$ 12.50 fee for an Offender Identification Card by 03/15/2017 to HCCSCD.
 - 15.3 Pay a one- time fee of \$ 100.00 to HCCSCD for the purpose of screening and assessment.
 - 15.4 Pay a Fine of \$ 500.00 and Court Costs at the rate of \$ 35.00 per month beginning 01/15/2017 to Harris County through HCCSCD. Court grants credit for 0 days served. .
 - 15.5 Pay Donation of \$ 50.00 to CRIME STOPPERS OF HOUSTON by 01/15/2017 through HCCSCD.
 - 15.6 Pay \$ 10.00 per month to cover expenses of drug testing.
- (16) Not use, consume, or possess alcoholic beverages.
 - (17) Participate in and complete, within 181 days from the date Community Supervision is granted 12/15/2016, an approved alcohol/drug education program as required by V.A.C.C.P. Art. 42.12, Sec 13.
 - (18) Your Texas Driver 's License is suspended for a period of 1 YEAR. If you receive your Texas Drivers License in the mail, you may not drive.

Unofficial Copy Office of Marilyn Burgess District Clerk

CONDITIONS OF COMMUNITY SUPERVISION

For: CARLOS AGUILAR

Cause: 151802401010

I understand that under the laws of this State, the Court shall determine the terms and conditions of Community Supervision, and may alter or modify said conditions during the period of Community Supervision. I further understand that failure to abide by these Conditions of Community Supervision may result in the revocation of Community Supervision or an adjudication of guilt.

Community Supervision expires the 14th day of June A.D. 2018

Carlos Aguilar B.d.Z
CARLOS AGUILAR, DEFENDANT

December 15, 2016
DATE

Signed this 15th day of December A.D. 2016

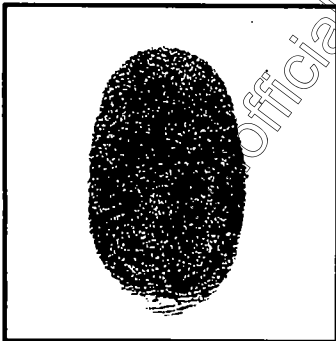
MICHAEL T. MCSPADDEN, PRESIDING JUDGE

Dayana Jones
DAYANA JONES, CLO/CSO OFFICER

December 15, 2016
DATE

SPN: 02864173

PLEA: Guilty



Defendant's Right Thumbprint

tw/13/996

1st AMENDED
CONDITIONS OF COMMUNITY SUPERVISION

THE STATE OF TEXAS

VS.

CARLOS AGUILAR

IN THE 209th DISTRICT COURT OF

HARRIS COUNTY, TEXAS

CAUSE NUMBER 151802401010

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- (4) Permit a Community Supervision Officer to visit you at your home, place of employment or elsewhere.
- (5) Work at suitable employment and/or attend school full-time. Present either verification of employment or provide a log of all attempts to secure employment to your Community Supervision Officer as directed. You must notify HCCSCD of any change in your employment status by your next scheduled reporting date.
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- (12) Submit to an evaluation of your educational skill level by 01/15/2017. If it is determined that you have not attained the average skill of students who have completed the sixth grade in public schools in this State, you shall participate in a program that teaches functionally illiterate persons to read. If you are non-English speaking, you will participate in English as a Second Language (ESL) program, if it is determined there is a need in order for you to meet the state mandate beginning upon referral until successfully discharged or released by further order of the Court.
- (13) Support your dependents as required by law. Provide your Community Supervision Officer with a certified copy of all court orders requiring payment of child support.
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1st AMENDED

CONDITIONS OF COMMUNITY SUPERVISION

For: CARLOS AGUILAR

Cause: 151802401010

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- (17) Participate in and complete, within 181 days from the date Community Supervision is granted 12/15/2016, an approved alcohol/drug education program as required by V.A.C.C.P. Art. 42.12, Sec 13.
- (18) Your **Texas Driver 's License** is suspended for a period of 1 YEAR. If you receive your Texas Drivers License in the mail, you may not drive.
- (19) Attend the Education Program Effective Decision Making until successfully completed or as designated by the court. C.A

1ST AMENDED

1st AMENDED CONDITIONS OF COMMUNITY SUPERVISION

FOR: CARLOS AGUILAR

SPN: 02864173

CAUSE: 15180240

I understand that under the laws of this State, the Court shall determine the terms and conditions of Community Supervision, and may alter or modify said conditions during the period of Community Supervision. I further understand that failure to abide by these Conditions of Community Supervision may result in the revocation of Community Supervision or an adjudication of guilt.

I have read or had read to me by the CLO/CSO Officer the conditions the Judge has added or changed, and I have initialed each change indicating that I understand the modifications. I also understand that if I do not accept these changes to my Conditions of Community Supervision, I must make a timely and specific objection and request to appear before the Judge. I understand that if I refuse to accept these amendments, the Judge may issue a warrant for my arrest and I have a right to be represented by counsel. If I am indigent, the Court shall appoint counsel for me. I also understand that I may voluntarily and knowingly accept this modification.

Community Supervision expires the 6TH day of JUNE 2018

Acceptance and Waiver

C.A.



I understand the terms and consequences for failing to comply with these Conditions of Community Supervision and I knowingly and voluntarily agree to this modification of my conditions. I further understand that by signing these conditions I am affirmatively accepting the terms and I waive any right to object or be represented by counsel.

Objection and Request for Immediate Hearing



I object to this modification of my conditions of Community Supervision and request an immediate hearing before the Judge.

x CARLOS AGUILAR

CARLOS AGUILAR

Defendant

April 12, 2017

Date

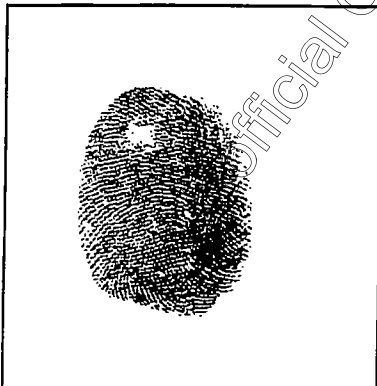
Signed this

3rd

day of

May

2017



Defendant's Right Thumbprint

x

MICHAEL T. MCSPADDEN

Judge Presiding

x

PERLA R. KHAN

CLO / CSO Officer

AMEND TO ADD EFFECTIVE DECISION MAKING